

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 433**

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**Introduced by Assembly Member Chu**

February 19, 2015

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*An act to add Sections 11321 and 11450.05 to the Welfare and Institutions Code, relating to public social services.*

LEGISLATIVE COUNSEL'S DIGEST

AB 433, as amended, Chu. Public social services: CalWORKs.

*Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides cash assistance and other benefits to qualified low-income families. Existing law requires that aid under the CalWORKs program be paid for each qualified family, which includes all eligible brothers and sisters of each eligible applicant or recipient child and the parents of the children, but does not include unborn children or recipients of aid under the Burton-Moscone-Bagley Citizens' Income Security Act for Aged, Blind and Disabled Californians.*

*This bill would require a deceased child to continue to be included as a member of a qualified family for the month in which his or her death occurred, and the following month.*

*Under the CalWORKs program, recipients are required to participate in specified welfare-to-work activities, unless certain circumstance are present. When an individual fails or refuses to comply with specified*

*components of the CalWORKs program without good cause, the individual is subject to prescribed financial sanctions.*

*This bill would prohibit sanctions from being applied for a grieving parent's failure or refusal to comply with program requirements during the month in which a child in the assistance unit died, or the following month. The bill would also require, upon receiving notification of the death of a child in the assistance unit, the county to assist a grieving parent in accessing services for which he or she may be eligible and to provide information to the grieving parent about mental health services. By imposing new duties on counties, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

*Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.*

*This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.*

~~Existing federal law provides for the allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states, with California's version of this program known as the California Work Opportunity and Responsibility to Kids (CalWORKs) program. Under the CalWORKs program, each county provides cash assistance and other benefits to qualified low-income families and individuals.~~

~~This bill would express the intent of the Legislature to provide a grieving period and appropriate referrals to services when a CalWORKs recipient miscarries or when a child in the home of a CalWORKs recipient dies, without interruption of services.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 11321 is added to the Welfare and*  
2 *Institutions Code, to read:*

3     *11321. (a) Notwithstanding any other law, sanctions shall not*  
4 *be applied for a grieving parent's failure or refusal to comply with*  
5 *program requirements during the month in which a child in the*  
6 *assistance unit died, or the following month.*

7     *(b) Upon receiving notification of the death of a child in an*  
8 *assistance unit, the county shall do both of the following:*

9         *(1) Assist a grieving parent in accessing services for which the*  
10 *parent may be eligible. These services may include, but are not*  
11 *limited to, nutrition supplement programs, housing assistance,*  
12 *and other cash aid programs.*

13         *(2) Provide information to the grieving parent about mental*  
14 *health services, including, but not limited to, information about,*  
15 *and a referral to, services provided by the county human services*  
16 *agency, if appropriate.*

17     *(c) For the purposes of this section, "grieving parent" means*  
18 *an aided adult who is required to participate in welfare-to-work*  
19 *activities and who experiences the death of a child in his or her*  
20 *assistance unit.*

21     *SEC. 2. Section 11450.05 is added to the Welfare and*  
22 *Institutions Code, immediately following Section 11450.04, to*  
23 *read:*

24     *11450.05. (a) For purposes of determining the maximum aid*  
25 *payment specified in subdivision (a) of Section 11450, the number*  
26 *of needy persons in the same family shall not be decreased because*  
27 *of the death of a child in the assistance unit for the month in which*  
28 *the death occurred or the following month.*

29     *(b) Aid paid under subdivision (a) shall not be deemed an*  
30 *overpayment unless the county determines, pursuant to Sections*  
31 *11004 and 11004.1, that the assistance unit would have been*  
32 *subject to overpayment recovery, and the county would have sought*  
33 *recovery, even if the child had not died.*

34     *SEC. 3. If the Commission on State Mandates determines that*  
35 *this act contains costs mandated by the state, reimbursement to*  
36 *local agencies and school districts for those costs shall be made*  
37 *pursuant to Part 7 (commencing with Section 17500) of Division*  
38 *4 of Title 2 of the Government Code.*

1     *SEC. 4. No appropriation pursuant to Section 15200 of the*  
2     *Welfare and Institutions Code shall be made for purposes of*  
3     *implementing this act.*

4     ~~SECTION 1. It is the intent of the Legislature to enact~~  
5     ~~legislation to provide a grieving period and appropriate referrals~~  
6     ~~to services when the pregnancy of a woman receiving CalWORKs~~  
7     ~~assistance results in a miscarriage, or when a child in the home of~~  
8     ~~a parent or caregiver receiving CalWORKs assistance dies, without~~  
9     ~~interruption of services.~~